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INVESTIGATIVE SUMMARY
IAB IV2288941

SUBJECT:	**Richard E. Phelan** **Deputy Sheriff Generalist** **Employee #**[redacted]
DATE / TIME OF INCIDENT:	**May 15, 2011 / 1830 Hrs.**
LOCATION:	[redacted]
DATE OF DEPT. KNOWLEDGE:	**May 15, 2011**

ALLEGATIONS

The allegation is that Subject Richard Phelan had an on-going, inappropriate relationship with an under-age female member of the Sheriff's Explorer program.

SYNOPSIS

Subject Phelan was a Deputy Sheriff assigned to the North County Correctional Facility (NCCF) and had been involved with the Department's Explorer program since 2008 as an instructor. On May 15, 2011, Subject Phelan was discovered by the adult [redacted] and her [redacted] of a [redacted] member of the Explorer program [redacted] whom he was alone with at an unoccupied residence in [redacted] knew Subject Phelan from 2009, when she was in the Explorer program, and knew he was not supposed to be alone with [redacted]

On May 15, 2011, [redacted] immediately notified Subject Phelan's Explorer program supervisor, Sergeant Jonathan Melville. [redacted] and her [redacted] reported the incident to a Watch Commander at the Santa Clarita Sheriff's Station the same day.

On the morning of May 16, 2011, [redacted] and [redacted] each received a text message from Subject Phelan, which they construed as having suicidal overtones. [redacted] then notified the NCCF Watch Commander, Sergeant Sheridan, of the May 15th incident as well as the text messages from Subject Phelan. Sergeant Sheridan notified Lieutenant Rickey Jennings and wrote a detailed memo regarding his contact with [redacted] **[EXHIBIT A]**. Extensive efforts were made to contact Subject Phelan to ensure his welfare, which

included an LAPD response of several patrol units, two supervisors and an air unit to his residence. After several unsuccessful attempts by various personnel, Sergeant Melville was able to contact Subject Phelan on his mobile phone and determined that he was on a preplanned vacation with his [redacted] in northern California.

On May 16, 2011, Special Victims Bureau (SVB) detectives initiated an Unlawful Sexual Intercourse investigation to determine whether Subject Phelan had committed a crime against [redacted]. Information from Subject Phelan's mobile phone account were obtained through a search warrant. Emails sent to [redacted] through Subject Phelan's Department email account were also obtained. That information is contained on a DVD **[EXHIBIT B]**. The detectives submitted their report **[EXHIBIT C]** to the Los Angeles County District Attorney's Office.

On June 17, 2011, the DA's Office issued a Charge Evaluation Worksheet Case No. 31180446 **[EXHIBIT D]** indicating criminal charges would not be filed against Subject Phelan due to the victim refusing to testify.

On May 28, 2011, the Los Angeles Police Department (LAPD) responded to Subject Phelan's residence after his [redacted] called 9-1-1 and reported that Subject Phelan was suicidal and had been drinking excessively. Refer to the 9-1-1 recording and transcript **[EXHIBIT E]** for further information. [redacted] Sergeant Stephanie Shrout also responded from NCCF. She submitted a Chief's memorandum regarding the incident **[EXHIBIT F]**. Refer to the LAPD incident record **[EXHIBIT G]** for further information. [redacted]

Subsequent interviews with Subject Phelan and witnesses, including [redacted] by SVB and IAB investigators revealed that Subject Phelan had a personal relationship with [redacted] beyond the activities of the Explorer program. Subject Phelan admitted to having a dating relationship with [redacted] which included kissing and hugging each other on several occasions.

INVESTIGATION

Witness [redacted]

[redacted] told SVB detectives and IAB investigators that on Sunday, May 15, 2011 at approximately 1830 hours, she and her [redacted] conducted a routine check of the home of a family friend ([redacted]) who she was house-sitting for. She tried to gain access into the house through the inner door of the garage, which she had left unlocked three days before. She and [redacted] began to drive away from the location when she saw Subject Phelan exit the front door. [redacted] said Subject Phelan's clothing appeared disheveled and he was pulling on his waistband and belt **(refer to [redacted] IAB interview, page 4)**. [redacted] had been involved with the Explorer program from [redacted] and knew Subject Phelan since [redacted]

[redacted] said when she confronted Subject Phelan about why he was there, he appeared to have the "deer in the headlights" look. She went into the house and saw [redacted] at the upstairs landing. [redacted] told her they were watching television, which she disputed since [redacted] knew the only television in the house was downstairs.

[redacted] said when she confronted Subject Phelan again about why he was there, Subject Phelan told her "this looks bad" and that they "just came for pizza." When she asked him why he was not with one of his peers as he was inside a locked, unoccupied home with a [redacted] female, Subject Phelan told her that it looked bad and said, "I messed up." When she reminded him that he was [redacted] Subject Phelan said he was having [redacted] and that his [redacted] told him that he was not the [redacted] of his [redacted] arrived shortly after [redacted] notified her of the incident and confronted Subject Phelan as well. When [redacted] asked Subject Phelan if the owner of the house knew he was there, Subject Phelan said that she did. [redacted] said [redacted] called the owner who denied knowing Subject Phelan or giving him permission to be there **(refer to [redacted] SVB interview, page 26)**.

[redacted] said she then contacted Sergeant Jonathan Melville, who runs the Explorer Academy, and advised him of what was going on. Sergeant Melville told her that he would handle the situation. [redacted] said she secured the house and left with [redacted] as Subject Phelan was inside his car.

Shortly after the incident, [redacted] said she and her mother went to Santa Clarita Station to report the incident to additional Department personnel and to obtain a police report. They were referred to Subject Phelan's supervisors at NCCF and provided a contact number.

[redacted] said during the period of March through May 2011, she noticed that [redacted] was talking excessively about Subject Phelan, who she referred to as Elly or El, which is a nickname for Subject Phelan's middle name, Elliott. [redacted] said she discovered that [redacted] kept Subject Phelan's phone number under "Elly." On several occasions when [redacted] was at activities related to the Explorer program, she would come home several hours later after the activity was scheduled to have ended. [redacted] told her family that she had been helping Subject Phelan. On one occasion, a family member saw [redacted] being dropped off down the street by a Volkswagon Golf, which is the same type of vehicle as Subject Phelan's.

[redacted] said on the morning of Monday, May 16, 2011, she received a text message from Subject Phelan which she construed as having suicidal overtones. She notified Sergeant Sheridan of the incident involving Subject Phelan on May 15, 2011, and Subject Phelan's text message. Refer to Sergeant Sheridan's memo **[EXHIBIT A]** for further information.

Witness [redacted]

[redacted] told SVB detectives and IAB investigators, she met Subject Phelan in mid January 2011 during the Explorer Academy where she was a drill instructor. Activities for the Explorer program were usually scheduled on Saturdays and ended around 3:30 to 4:00 pm. She considered Subject Phelan a mentor in the beginning. Subject Phelan told her she was like a little sister to him, and even called her "sis" at the Explorer Academy. Subject Phelan told her that he loved her like a sister. [redacted] said their relationship evolved into a mutual romantic affection for each other in April and continued throughout May.

[redacted] said she and Subject Phelan met outside the Explorer program at least four to five times. [redacted] said Subject Phelan referred to them as dates, and that their first date was at Porto's Bakery in Burbank **(refer to [redacted] IAB interview, page 23)**. On one occasion, Subject Phelan took her to the beach **(refer to [redacted] IAB interview, page 7)**. On another occasion, she and Subject Phelan got pizza and took it to her [redacted] (a close family friend) house **(refer to [redacted] IAB interview, page 9)**. There were at least three occasions when Subject Phelan took her to breakfast during the weekdays **(refer to [redacted] IAB interview, page 10)**.

[redacted] said on the night of Saturday, May 14, 2011, Subject Phelan called her in tears over an argument with his [redacted] and that they were getting [redacted]. [redacted] said Subject Phelan had her promise him that she would never leave him, and asked if he could see her the next day. On Sunday, May15, 2011, Subject Phelan picked her up and drove to Northridge to get smoothies where Subject Phelan worte "D+E = ❤" and "I love you" on her cup. On their way back to [redacted] they decided to get pizza. They went to a pizza parlor,

at which time Subject Phelan said that he didn't want to eat there. Subject Phelan agreed with [redacted] suggestion to take the pizza to her [redacted] house nearby since no one was home **(refer to [redacted] IAB interview, page 20)**. [redacted] said she locked the side door from the garage just in case her [redacted] was to come in. Within twenty minutes after arriving at the location, she heard the garage door open, at which time Subject Phelan "jumped out the front door" without saying anything **(refer to [redacted] IAB interview, page 25)**. [redacted] said they were only in the kitchen eating pizza, and denied being with Subject Phelan in any other part of the house. She also denied that there was any affectionate touching between them during that time **(refer to [redacted] IAB interview, page 27)**.

[redacted] said Subject Phelan sent her numerous text messages where he confided in her about his personal issues, which usually included his relationship with [redacted] Subject Phelan told her that he really cared for her and during one exchange, told her on a night she was going out on a date that he wished it was him that was taking her out on a date **(refer to [redacted] IAB interview, page 14)**. Subject Phelan sent her text messages about his ongoing [redacted] and told her that he had [redacted] Subject Phelan then sent her a text message saying that he couldn't wait until September ([redacted]) so he could rip off her clothes. [redacted] said Subject Phelan told her that she was his ideal other half and talked about [redacted] and marrying her **(refer to [redacted] IAB interview, page 15)**. [redacted] said Subject Phelan would always say that when she turned [redacted] he would propose to her **(refer to [redacted] IAB interview, page 16)**.

[redacted] said Subject Phelan often talked about his [redacted] to her and others at the Explorer Academy. Subject Phelan told stories about her and said her name was [redacted]. Subject Phelan also told her [redacted] told him that his [redacted] **(refer to [redacted] IAB interview, page 15)**.

[redacted] said it was her idea to call Subject Phelan by his middle name, Elliott or Elly, and that he was amenable to it. She was the only person who called him by this name, and only in private, and away from the Explorer Academy. Subject Phelan called her [redacted], which was a nickname for her [redacted]

[redacted] said the words "Lucky Brand" became a code word between them for "I love you" which originated from an outing at Santa Monica Beach when they spent time alone with each other away from the Explorer program **(refer to [redacted] IAB interview, page 19 and [redacted] SVB interview, page 17)**.

[redacted] said she and Subject Phelan hugged frequently and kissed each other on the lips three to four times **(refer to [redacted] IAB interview, page 17)**. She told SVB detectives Subject Phelan and she kissed on the mouth occasionally **(refer to [redacted] SVB interview, page 46)**.

[redacted] said Subject Phelan gave her a neck chain with a cross that he wore, which was given to him by his [redacted] before going into the military. Subject Phelan insisted that she take it and wear it. [redacted] said that she started bawling and it was the moment her heart opened up to him **(refer to [redacted] IAB interview, pages 30 & 33)**. On Sunday, May 15, 2011, Subject Phelan gave her a key ring and told her, "Consider this our pre-engagement" **(refer to [redacted] IAB interview, page 30)**. [redacted] said she attached the key ring to the chain **[EXHIBIT H]** and wore it up until the time after her interview with SVB detectives, which was when she realized that Subject Phelan was not truthful with her. [redacted] told IAB investigators that in her hindsight, she felt manipulated by Subject Phelan **(refer to [redacted] IAB interview, page 33)**.

Witness [redacted]

Mr. [redacted] told SVB detectives on May 15, 2011, he and [redacted] went to her [redacted] house [redacted] that she was caring for while the owners were away. They were about to drive away when he saw Subject Phelan exit from the front door. Subject Phelan's clothing was disheveled; his shirt was tucked in the front, but untucked in the back, and his right shoelace was undone **(refer to Mr. [redacted] SVB interview, pages 7 & 8)**. When [redacted] questioned Subject Phelan about why he was there, Subject Phelan appeared be nervous and had the "deer in headlights look" as if he had been caught. Subject Phelan told [redacted] he was with [redacted] **(refer to Mr. [redacted] SVB interview, page 2)**.

Mr. [redacted] said [redacted] contacted several people on her mobile phone, which included her [redacted], who arrived within minutes. When [redacted] questioned Subject Phelan if the owner [redacted] was aware that he was in her home, Subject Phelan told her that she did. [redacted] then called [redacted] who was completely unaware of the situation.

Mr. [redacted] said Subject Phelan got into his car with the windows rolled up, at which time he [redacted] tried to get his badge number, at [redacted] request. Subject Phelan refused to roll the window down and also refused to provide him with the information.

Witness Sergeant Jonathan Melville #[redacted]

Sergeant Melville told IAB investigators he was assigned to NCCF as a [redacted] when he recruited Subject Phelan for the Explorer program. He felt that Subject Phelan was a good selection based on his age, college degree and because he had been in the military. When asked how he was made aware of Subject Phelan's military service, Sergeant Melville said Subject Phelan told him that he had been in the Air Force working with nuclear weapons in the Strategic Air Command for approximately ten years **(refer to Sergeant Melville's IAB interview, pages 3 & 4)**.

Sergeant Melville described Subject Phelan's performance with the Explorer program as exemplary, and that Subject Phelan was recently awarded the Department's Meritorious Service Award by Captain Hansen of the Reserve Forces Bureau at the last Explorer Academy class. According to Sergeant Melville, there have been no complaints about Subject Phelan in the past by female Explorers. Sergeant Melville said in [redacted] he and Subject Phelan [redacted]

Sergeant Melville explained that the Explorer program met on Saturdays and usually ended around 1530 hours. Although there were times when the class would meet during the weekday, they were very infrequent. Sergeant Melville said he was unaware that Subject Phelan was spending time with [redacted] away from the Explorer program. Sergeant Melville said Subject Phelan never told him about marital issues he was having, and that he had heard Subject Phelan had a child through second hand information.

Sergeant Melville said he was not aware of Subject Phelan's personal relationship with [redacted] until he received a call from [redacted] on May 15, 2011, where she told him she caught them alone and suspected that Subject Phelan was having a sexual relationship with her [redacted] With that information, he directed [redacted] to Santa Clarita Station to report it as a possible crime. Sergeant Melville said he notified Santa Clarita Station Sergeant [redacted] of the incident prior to [redacted] arrival to the station. The following day, he notified the operations staff at Reserve Forces Bureau and also the NCCF operations lieutenant, Rickey Jennings, of the incident.

Sergeant Melville stated that on May 16, 2011, he responded to NCCF to assist the operations staff with their efforts to contact Subject Phelan to check on his welfare. He contacted Subject Phelan's [redacted] who said Subject Phelan was on a preplanned vacation in northern California. He then contacted Subject Phelan's [redacted] who said Subject Phelan was on his way to meet her at the hotel she was staying at in [redacted] and expected to arrive that noon. Sergeant Melville said after several unanswered phone calls and text

messages sent to Subject Phelan's mobile phone, Subject Phelan called him and advised that he was fine. Refer to Sergeant Melville's memo **[EXHIBIT I]** for additional details.

Sergeant Melville said on May 15, 2011, after [redacted] called him, Subject Phelan called him and notified him of the incident. When he questioned Subject Phelan about why he was with [redacted] on a Sunday, Subject Phelan was silent. Sergeant Melville said he then directed Subject Phelan to report to NCCF and advise the Watch Commander of this off-duty incident **(refer to Sergeant Melville's IAB interview, pages 13 & 14)**.

Subject Richard E. Phelan, Deputy Sheriff #[redacted]

Subject Phelan told SVB detectives and IAB investigators he met [redacted] in February 2011 in the Explorer program. He said he was her teacher in class, but had a surrogate brother/surrogate sister type relationship away from the Explorer program.

Subject Phelan initially denied having an intimate dating relationship with [redacted] and also that it was ever sexual in any way. However, he admitted to becoming enamored with [redacted] and that his interaction with her was out of compliance with the Department policy which covers Guidelines Governing Youth Group Programs because he talked to her about his personal life **(refer to Subject Phelan's IAB interview, page 5)**.

Subject Phelan said there were three occasions when he was alone with [redacted] away from the Explorer program:

- Porto's Bakery in Glendale (First date)
- Malibu Beach and Santa Monica Pier (In late April or early May)
- Robeks in Northridge, Corner Bakery in Calabasas, Amecci's in Valencia (May 15, 2011)

IAB Note: [redacted] said there were at least three occasions when Subject Phelan took her to breakfast during the weekdays (refer to [redacted] IAB interview, page 10).

Subject Phelan said on May 14, 2011, he called [redacted] and made plans to meet her the next day to discuss his personal issues with her. On May 15, 2011, he picked up [redacted] at her house and took her to get smoothies in Northridge where he wrote "D+E = ❤" and "I love you" on [redacted] cup. They then went to a Corner Bakery in Calabasas also visited a historical building there. They later went back to Valencia and ordered pizza. Subject Phelan said he reluctantly agreed to [redacted] suggestion to take the pizza to her [redacted] house nearby, where they could watch movies since no one was at the home.

Subject Phelan said he and [redacted] were only in the kitchen and living room of the house and that there was no sexual interaction between them during that time, however he admitted to kissing her on the cheek or mouth **(refer to Subject Phelan's IAB interview, page 15)**. Subject Phelan said he heard a loud noise as like someone drove through the metal garage door. He then ran outside because he thought someone was breaking in. Subject Phelan denied that his clothing was disheveled during this time.

> **IAB Note: Witnesses [redacted] and [redacted] Subject Phelan's clothing appeared disheveled and he was pulling on his waistband and belt (refer to [redacted] IAB interview, page 4 and Mr [redacted] SVB interview, pages 7 & 8).**

Subject Phelan said he did not know the owner of the house, [redacted] When asked about his response to [redacted] mother [redacted] when he was questioned about whether [redacted] knew he was there, Subject Phelan told IAB investigators he thought she said [redacted] as in [redacted] **(refer to Subject Phelan's IAB interview, page 13)**.

> **IAB Note: Witnesses [redacted] and [redacted] said when [redacted] asked Subject Phelan if the owner of the house knew he was there, Subject Phelan said that she did. [redacted] said [redacted] called the owner who denied knowing Subject Phelan or giving him permission to be there (refer to [redacted] SVB interview, page 26 and Mr. [redacted] SVB interview, page 6).**

Subject Phelan said he told [redacted] that he was there talking to [redacted] about his personal life and also that he found out that his [redacted] Subject Phelan told SVB detectives during one point of the incident, he was sitting quietly as Mr. [redacted] threatened to kill him and whipped around a chain **(Refer to Subject Phelan's SVB interview, page 32)**. Subject Phelan told IAB investigators that Mr. [redacted] was waiving a chain attached to his wallet, but not in a threatening manner at him.

> **IAB Note: [redacted] told IAB investigators she saw [redacted] at the front doorway of the house so Subject Phelan wouldn't leave until her mother had called the homeowner. [redacted] never swung a chain at Subject Phelan, but did tell him, "You're the biggest piece of shit I've ever seen" (refer to [redacted] IAB interview, page 7).**

Subject Phelan said when Mr. [redacted] asked him for his badge number, he gave him his employee number **(Refer to Subject Phelan's IAB interview, page 19)**.

IAB Note: Mr. [redacted] said Subject Phelan got into his car with the windows rolled up, at which time he (Mr. [redacted]) tried to get his badge number, at the homeowner's request. Subject Phelan refused to roll the window down and also refused to provide him with the information.

Subject Phelan said on Monday, May 16, 2011, he sent text messages to [redacted] and [redacted] with suicidal overtones **(refer to Sergeant Sheridan's memo [EXHIBIT A] for exact wording)**. Subject Phelan admitted to telling [redacted] in the message, "If anything ever happened to me, just make sure you ask my mother for my blue watch." When asked about the content of the messages, Subject Phelan explained that some of the words came from a song, that it was his way of getting away from it all and going to nature **(refer to Subject Phelan's IAB interview, page 21)**.

Subject Phelan admitted to the fact that Lucky Brand became a code word for "I love you" between him and [redacted] He also admitted to using his Department email account to communicate with [redacted] about non-Department related matters. Subject Phelan estimated that he sent over 1000 text messages to [redacted] that were not related to the Explorer program.

IAB Note: Records obtained by SVB detectives [EXHIBIT B] revealed Subject Phelan and [redacted] exchanged 10,008 text messages between March and May 2011.

When asked about the incident on May 28, 2011, Subject Phelan explained that he had been drinking and was having problems with his [redacted] He decided to leave and was packing his belongings, when he asked his [redacted] where his gun was, at which time she overreacted and called 9-1-1 **(refer to the recording and transcript of the 9-1-1 call [EXHIBIT E] for additional details)**. [redacted]

Subject Phelan admitted to falling in love with [redacted] and that he had plans to marry her after [redacted] He also admitted to sending [redacted] a text message where he said he couldn't wait until September so he could rip off her clothes **(refer to Subject Phelan's IAB interview, pages 27 & 28)**.

When asked about whether he had [redacted], Subject Phelan said that he did not have any children and that it started as a rumor. He said he told people his [redacted] name was [redacted] just to satisfy their constant questioning about her.

IAB Note: [redacted] said Subject Phelan often talked about his [redacted] to her and others at the Explorer Academy. Subject Phelan told stories about her and said her name was [redacted] Subject Phelan also told her his [redacted] told him that his [redacted] (refer to [redacted] IAB interview, page 15).

When asked about his military experience, Subject Phelan said he was never in the military. He admitted to telling Sergeant Melville that he was involved with the United States Air Force Strategic Air Command and explained that he had worked as a process engineer for Sierra Therm, a company that contracted with Raytheon, Lockheed, Martin, Northrop, and Boeing.

IAB Note: Sergeant Melville said Subject Phelan told him that he had been in the Air Force working with nuclear weapons in the Strategic Air Command for approximately ten years (refer to Sergeant Melville's IAB interview, pages 3 & 4). IAB investigators verified Subject Phelan's current personnel file at NCCF and his background application [EXHIBIT J] reflected he had no military experience prior to entering the Department, and that he did not join the military after becoming a Deputy Sheriff.

When asked about whether he had given a chain necklace with a cross to [redacted] Subject Phelan explained that he gave it to her in response to when she told him she wanted to kill herself.

IAB Note: [redacted] said Subject Phelan gave her a neck chain with a cross that he wore [EXHIBIT H], which was given to him by his mother before going into the military. Subject Phelan insisted that she take it and wear it. [redacted] said that she started bawling and it was the moment her heart opened up to him (refer to [redacted] IAB interview, pages 30 & 33).

When asked about whether he had given [redacted] any other token of affection, Subject Phelan admitted to giving [redacted] a key ring and told her if things worked out, maybe they could get married **(refer to Subject Phelan's IAB interview, page 35)**.

When Subject Phelan was asked again whether he had a dating relationship with [redacted] he said at the time it was happening, he did. He explained that he was confused then, but it was his belief, however, that at the time of the IAB interview, he did not have a dating relationship with [redacted]



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 3, 2012

[redacted]

Deputy Richard Phelan, #[redacted]

Dear Deputy Phelan:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A with this Department, effective the close of business May 24, 2012.

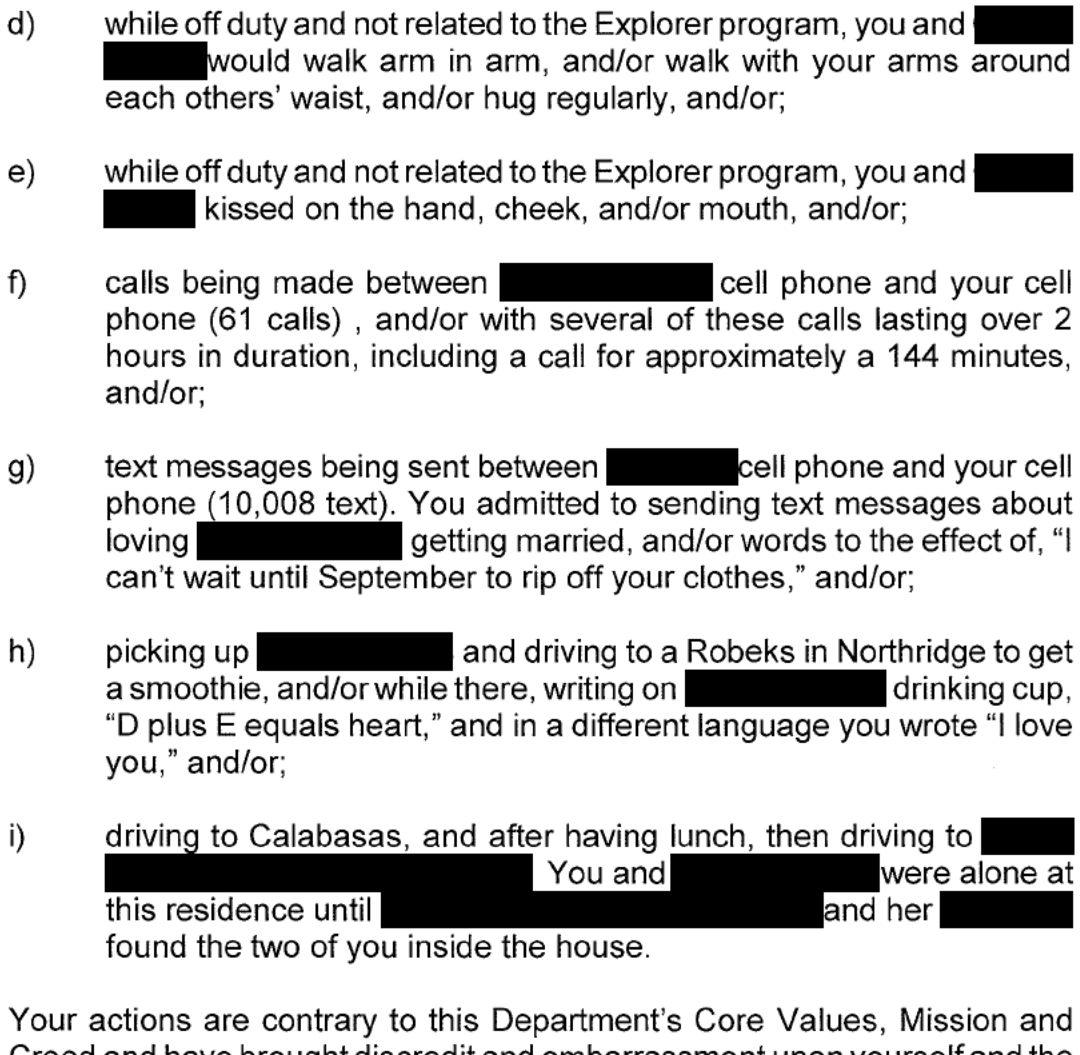
An investigation under IAB File Number 2288941, conducted by Internal Affairs Bureau coupled with your own statements, has established the following:

1. That in violation of Department's Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Orders and Regulations (specifically as it pertains to 3-01/050.87, Guidelines Governing Youth Group Programs), on or about January 2011 through May 2011, while assigned as a Staff Instructor at the North County Explorer Academy, you pursued, nurtured and maintained an inappropriate relationship with [redacted], an under-age female and member of the Sheriff's Explorer program as evidenced by, but not limited to the following:

    a) while off duty and not related to the Explorer program, you met with [redacted] and drove to Porto's Bakery (Burbank) in your personal vehicle, and/or;

    b) while off duty and not related to the Explorer program, you met with [redacted] and drove to Malibu beach in your personal vehicle, and/or;

    c) while off duty and not related to the Explorer program, you met with [redacted] and drove to the Santa Monica Promenade in your personal vehicle, and/or;



d) while off duty and not related to the Explorer program, you and [redacted] would walk arm in arm, and/or walk with your arms around each others' waist, and/or hug regularly, and/or;

e) while off duty and not related to the Explorer program, you and [redacted] kissed on the hand, cheek, and/or mouth, and/or;

f) calls being made between [redacted] cell phone and your cell phone (61 calls) , and/or with several of these calls lasting over 2 hours in duration, including a call for approximately a 144 minutes, and/or;

g) text messages being sent between [redacted] cell phone and your cell phone (10,008 text). You admitted to sending text messages about loving [redacted] getting married, and/or words to the effect of, "I can't wait until September to rip off your clothes," and/or;

h) picking up [redacted] and driving to a Robeks in Northridge to get a smoothie, and/or while there, writing on [redacted] drinking cup, "D plus E equals heart," and in a different language you wrote "I love you," and/or;

i) driving to Calabasas, and after having lunch, then driving to [redacted] You and [redacted] were alone at this residence until [redacted] and her [redacted] found the two of you inside the house.

Your actions are contrary to this Department's Core Values, Mission and Creed and have brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department. You failed to maintain the highest level of professionalism and integrity as a mentor/teacher in the Explorer program, thereby damaging the reputation of the Department, and eroding the public's confidence and trust in the Department.

2. That in violation of Department's Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Orders and Regulations (specifically as it pertains to 3-01/100.45, Use of Communications Equipment), on or about March 21, 2011, and May 3, 2011, there were 165 separate emails sent between your [redacted] email account and [redacted] email account. Many of the emails were not work related and were personal, with you professing your affection for [redacted]

3. That in violation of Department's Manual of Policy and Procedures Section 3-01/040.90, Reporting Information, on or about May 15, 2011, while off duty, you were discovered in a house alone with an under-age female member of the Sheriff's Explorer program. You contacted Sergeant Jonathan Melville for purposes of notification for your off duty incident. However, Sergeant Melville instructed you to immediately notify your immediate supervisor (Watch Commander from North County Correctional Facility). Despite Sergeant Melville's instructions, it was not until on or about May 16, 2011, and after extensive efforts were made by several Department members to contact you, that you eventually called to report this incident to Captain Victor Trujillo.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Alexander Yim on May 17, 2012, at 1300 hours, in his office, which is located at Twin Towers Correctional Facility, 450 Bauchet Street, Room E-826, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to May 17, 2012, for your oral response, please call Chief Yim's secretary at [redacted], for an appointment.

If you choose to respond in writing, please call Chief Yim's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Yim's office by no later than May 17, 2012.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

John H. Clark, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JHC:ah

c: Advocacy Unit
Employee Relations Unit
Chief Alexander Yim, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2288941)

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

Page ____ of ____

☐ FELONY ☒ MISDEMEANOR	AGENCY NAME LASD/SVB AGENCY FILE NO. (DR OR URN) 011-07110-0673-418	DA CASE NO. 31180446 DA OFFICE CODE	DATE 06/17/2011 VICTIM ASSISTANCE REFERRAL ☐ YES - NOTIFY VWAP ☒ NO

LAST NAME: ____ FIRST NAME: ____ DA CASE NUMBER: ____

SUSP. NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE) PHELAN, RICHARD	PC	647.6(A)	05/15/2011	D
	DOB [redacted] SEX (M/F) M BOOKING NO. VIP ☐ Yes ☒ No KEY CODE				
	☐ Gang Member Name of Gang Victim Name: [redacted]	☐ Victim Gang Member Name of Gang Victim DOB: [redacted]			
2	NAME (LAST, FIRST MIDDLE)				
	DOB SEX (M/F) BOOKING NO. VIP ☐ Yes ☐ No KEY CODE				
	☐ Gang Member Name of Gang Victim Name:	☐ Victim Gang Member Name of Gang Victim DOB:			
3	NAME (LAST, FIRST MIDDLE) NOT SUBJECT TO DISCOVERY				
	DOB SEX (M/F) BOOKING NO. VIP ☐ Yes ☐ No KEY CODE				
	☐ Gang Member Name of Gang Victim Name:	☐ Victim Gang Member Name of Gang Victim DOB:			

Comments

D and V met at the Explorer Academy. The contact consisted of consensual kissing and holding hands. V refuses to testify and V's mother okay with no prosecution provided that D is removed from that position. D has been removed from the Academy and relieved of duty. There is an ongoing internal investigation. Case cannot be proved without V's testimony. There were no other witnesses.

COMPLAINT DEPUTY (PRINT)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
ANNETTE PETERSON	[signature]	166392	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): Simmons FILING OFFICER (SIGNATURE): [signature] SERIAL #: [redacted]

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715) A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral DISTRICT ATTORNEY'S REASON CODES M. Probation Violation in lieu of N. Referred to City Attorney for Misdemeanor Consideration